



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL
AND PUBLIC AFFAIRS

MAR 12 2014

VIA Electronic Filing

Ms. Sheri Young
National Energy Board
444 - Seventh Avenue SW
Calgary, AB T2P 0X8
Canada

**Re: Trans Mountain Pipeline Expansion Project NEB File OF-Fac-Oil-T260-2013-03 02 EPA's
Notice of Motion**

Dear Ms. Young:

Attached on behalf of the U.S. Environmental Protection Agency is a Notice of Motion requesting that the National Energy Board approve the EPA's late filing of an application to participate as a commenter in Trans Mountain Expansion Project hearing. The EPA's Application to Participate and exhibits supporting the Notice of Motion are also included for filing. Copies of these documents have been sent to Kinder Morgan Canada and Osier Hoskin and Harcourt LLP, as directed in the Application to Participate.

Thank you for considering the EPA's Notice of Motion. Please feel free to contact either me (by telephone at 206-553-2581 or email at allnutt.david@epa.gov) or Teena Reichgott of my staff (by telephone at 206-553-1601 or email at reichgott.christine@epa.gov) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Allnutt".

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs

Enclosure

cc: Mr. D. Scott Stoness, Vice President
Finance & Regulatory Affairs, Kinder Morgan Canada

Mr. Shawn Denstedt QC
Osier Hoskin and Harcourt LLP

**Trans Mountain Pipeline ULC
Trans Mountain Expansion Project
NEB File OF-Fac-Oil-T260-2013-03 02**

(No Hearing Order has been issued by the Board as of the date of this motion)

Notice of Motion

1. The U.S. Environmental Protection Agency (“EPA”) files this Notice of Motion under Rule 35 of the *National Energy Board Rules of Practice and Procedure 1995*,¹ requesting that the National Energy Board approve EPA’s late filing of an application to participate as a commenter in Trans Mountain Expansion Project hearing.²

Statement of Facts

2. EPA is an Executive Branch agency within the United States Government, with a broad mission to protect human health and the environment. EPA’s Region 10 carries out this mission in the States of Washington, Oregon, Idaho, and Alaska.

3. R. David Allnutt is the Director of EPA Region 10’s Office of Ecosystems, Tribal and Public Affairs, which is responsible for a variety of programs that relate to ecosystem health, affected communities, and the interaction between the two.

4. On December 16, 2013, the Board received an application for the Trans Mountain Expansion Project from Kinder Morgan Canada, Inc., the project proponent.

5. On December 31, 2013, the Board issued a letter notifying the project proponent that the application had been received and directing interested parties that they must apply to participate in the hearing for this Project. In addition, this letter directed the project proponent to publish a “Notification of Application to Participate” in several Canadian publications and to distribute this notification to numerous Canadian officials, municipalities, and Aboriginal groups. The Board’s notification form set an application deadline of February 12, 2014.³

6. As a United States agency, EPA does not routinely receive notifications regarding participation in National Energy Board proceedings. EPA learned about this project and the Board’s process for environmental review on February 11, 2014, one day before the application deadline.

7. On February 12, 2014, Director Allnutt submitted a request that the Board grant a two-week extension to allow EPA to submit an application to participate.⁴ The request noted EPA’s need

¹ SOR/95-208.

² EPA’s application is attached to this Notice of Motion as Exhibit 1.

³ Correspondence from the Board to Kinder Morgan Canada, Inc., dated December 31, 2013, attached as Exhibit 2.

⁴ Correspondence from R. David Allnutt, EPA Region 10, to the Board, dated February 12, 2014, attached as Exhibit 3.

to follow agency procedures and protocols before submitting an application to participate and explained that the process would likely take two weeks.

8. On February 13, 2014, the Board denied EPA's request for extension, noting that the request did not state the impact on EPA if it is unable to submit a late application to participate or address possible prejudice to other applicants or Trans Mountain. The Board stated that it was not persuaded, based on the request, to grant the extension sought by EPA.⁵

Grounds for the Request

9. As set forth above, EPA did not become aware of this proceeding and the associated application process until one day before the application was due. Because of internal coordination and approval requirements – including coordination with EPA Headquarters in Washington, DC, and the U.S. State Department – filing a complete application to participate in one day was not possible. In addition, because the Board is a Canadian agency, EPA needed an extension to research the Board's procedural requirements and develop the specific information required to support an application to participate.

10. EPA wished to notify the Board immediately of its interest in this project, and thus filed a limited request for extension on February 12, 2014, the same day that applications were due. EPA believed that this was an appropriate procedural approach and would be preferable to letting the deadline pass with no filing at all.

11. According to the Notification of Application to Participate and general Board requirements, applicants must clearly describe their interest in relation to the List of Issues for the hearing. Parties that are directly affected by the proposed project and those with relevant information or expertise may be allowed to participate. EPA meets each of these requirements.

12. EPA has a direct interest in and relevant information and/or expertise related to the Board's Project Issue numbers 4, 5, 8, 9, and 11:

- Project Issue No. 4. The potential environmental and socio-economic effects of the proposed Project, including any cumulative environmental effects that are likely to result from the Project, including those required to be considered by the NEB's Filing Manual.
- Project Issue No. 5. The potential environmental and socio-economic effects of marine shipping activities that would result from the proposed project, including the potential effects of accidents or malfunctions that may occur.
- Project Issue No. 8. The terms and conditions to be included in any approval the Board may issue.
- Project Issue No. 9. Potential impacts of the project on Aboriginal interests.

⁵ Correspondence from the Board to R. David Allnutt, EPA Region 10, dated February 13, 2014, attached as Exhibit 4.

- Project Issue No. 11. Contingency planning for spills, accidents, or malfunctions during construction and operation of the Project.

13. With regard to Project Issue Nos. 4 and 11, EPA has responsibilities for plans and actions that prevent, prepare for, and respond to oil spills that occur in and around inland waters of the United States. EPA is the lead federal response agency for oil spills occurring in inland waters, and the U.S. Coast Guard is the lead response agency for spills in coastal waters and deepwater ports. Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan directs EPA to prepare a schedule of dispersants, other chemicals, and oil spill mitigating devices and substances that may be used to remove or control oil discharges. Because the pipeline and ships will be transporting diluted bitumen, spill responders will need to be prepared to deal with the unique properties of this product. The characteristics of diluted bitumen, such as density, present challenges for spill response planning. EPA has expertise and responsibilities for addressing this issue.

14. With regard to Project Issue Nos. 4 and 5, an EPA grant to the Puget Sound Partnership is partially funding the Vessel Traffic Risk Assessment for Puget Sound and the Strait of Juan de Fuca. This risk assessment will simulate the projected traffic from multiple potential projects including the Trans Mountain Pipeline Expansion, and the proposed Gateway Pacific Terminal at Cherry Point, WA. These two projects alone would add approximately 865 vessels per year to vessel traffic sailing through the Strait of Juan de Fuca. EPA is serving as a cooperating agency on the development of the environmental impact statement for the Gateway Pacific Terminal that is expected to include an evaluation of cumulative impacts.

15. With regard to Project Issue Nos. 4 and 5, nearly tripling the capacity of the current pipeline will have potential air quality impacts on the transboundary airshed, including the U.S. portion. Both ozone and PM_{2.5} are issues in the Georgia Basin airshed, and increased VOC emissions from the transfer and storage of petroleum liquids, as well as increased diesel particulate and SO₂ emissions from marine vessels, will affect existing air quality levels. The International Airshed Coordinating Committee recently met and a number of members expressed concern with the pipeline expansion and potential impacts on the airshed. State of the art controls on new storage tanks and marine terminal operations, and the use of ultra-low-sulfur fuels in marine vessels are potential considerations for reducing air emissions and impacts. EPA has particular expertise with respect to emission controls for marine terminals and marine vessels that may help inform the Board's decision.

16. With regard to Project Issue Nos. 4 and 9, the Salish Sea and Alaskan Waters support a number of threatened and endangered fish and mammal species, critical habitat, and subsistence food resources for Indian tribes and Alaska Native Villages. Representatives of Tribal Governments have voiced concerns about things such as increased vessel traffic and risk of spills that may negatively affect these resources. EPA works with Indian tribes and Alaska Native Villages on a government-to-government basis to protect the land, air, and water. This commitment is guided by EPA Region 10's responsibilities for environmental protection within Indian country and of tribal resources that are outside of Indian country (including treaty-protected hunting and fishing areas and subsistence areas under state and federal jurisdiction).

EPA Region 10's responsibilities in this regard are in keeping with the United States' unique legal relationship with Tribal Governments based on the U.S. Constitution, treaties, statutes, Executive Orders, and court decisions. This relationship includes recognition of the right of Tribes as sovereign governments to self-determination, and an acknowledgment of the federal government's trust responsibility to Tribes. As such, EPA is uniquely positioned to provide information regarding tribal concerns and potential impacts to tribal resources.

17. With regard to Project Issue No. 8, EPA's interest in each of the issue areas described above also corresponds to EPA's direct interest in the terms and conditions to be included in any approval the Board may issue.

18. EPA's ability to convey its significant interests, expertise, and environmental concerns will be effectively eliminated if the Board does not approve EPA's application to participate. The Trans Mountain Expansion Project is a proposal to expand the existing Trans Mountain pipeline system between Edmonton, AB, and Burnaby, BC. Given the proximity of the pipeline terminus in Burnaby to the Canada/U.S. border, the potential exists for transboundary impacts, including those from air emissions and oil spills. EPA's participation is critical to ensuring that the Board is fully informed regarding EPA's perspective on such impacts as well as all Project Issues identified above.

19. EPA's application seeks participation as a commenter, as opposed to seeking intervenor status. As a result, EPA's late application should not present concerns regarding hearing scheduling or logistics that may have been developed or are currently in development.

20. EPA understands that the Board has not yet deemed the project application complete, ruled on any applications to participate, or issued a Hearing Order. As a result, EPA's late application to participate will not affect any party's substantive comments, filings, or particular posture in the proceeding. Nor will EPA's application have any effect on Board rulings relating to other parties, procedural matters, or the project itself. EPA therefore submits that no party will be prejudiced by EPA's late application to participate.

Relief Requested

21. EPA respectfully requests that the Board issue an order approving EPA's late filing of an application to participate as a commenter in the hearing for the Trans Mountain Expansion Project.

Evidence Supporting the Request

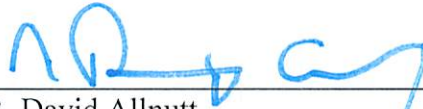
22. EPA's Application to Participate, attached as Exhibit 1.

23. Correspondence from the Board to Kinder Morgan Canada, Inc., dated December 31, 2013, attached as Exhibit 2.

24. Correspondence from R. David Allnutt, EPA Region 10, to the Board, dated February 12, 2014, attached as Exhibit 3.

25. Correspondence from the Board to R. David Allnutt, EPA Region 10, dated February 13, 2014, attached as Exhibit 4.

Respectfully submitted this 12th day of March, 2014.



R. David Allnutt
Director, Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900, Mail Stop ETPA-202-1
Seattle, Washington 98101-3140
(206) 553-2581

National Energy
Board



Office national
de l'énergie

Trans Mountain Expansion Project Application to Participate

Step 1 – I am applying as:

A Group

Select which one best describes your Group:



My group is an organization that will represent its own interests



My group is a collection of individuals with common interests. If so, you **MUST** list the first and last names of the Individual(s) you represent for this ATP Form to be considered and you must check the box below.



I have permission to identify and speak on behalf of the people listed below.

Name (s): n/a

(You may attach additional pieces of paper if required).

NOTE: Individual persons you are representing as part of a Group with a common interest do not have to complete a separate ATP form.

The following describes the categories under which you may apply. If you want to apply as an individual or authorized representative, please contact the National Energy Board (NEB or Board) and request a form for that category.

An **Individual** is one person or landowner who may or may not have a lawyer or person speaking on their behalf and who will represent their own personal interests. Apply as an Individual if you plan to bring forward issues regarding personal impacts or property-specific issues, and you are not represented by a Group. Use the **Individual** ATP Form if you have a lawyer or representative but are filling in the ATP Form yourself. If your lawyer or representative is filling in a form for you, you do not need to complete a separate ATP Form.

An **Authorized Representative on Behalf of an Individual** is someone who speaks or submits documents on behalf of an Individual. This may be a lawyer or other person. An Authorized Representative will present the views and personal interests of the Individual they are representing.

A **Group** is:

- an organization with its own interests (for example, a company, NGO, special interest group, Aboriginal group, government agency), or
- a collaboration of two or more people that represents the common interests of those people.

The Group will have a Main Contact Person(s) and may also have an Authorized Representative such as a lawyer. The Main Contact Person will usually fill out the ATP Form on the Group's behalf and will respond to questions in the hearing on behalf of the Group if participation is granted. A Group representing an Individual should select the ATP Form for **Authorized Representative on Behalf of an Individual**.

Step 2 – Hearing Information

The Project to be assessed in this hearing is defined as:

- Expansion of Trans Mountain pipeline system from Edmonton, AB and Burnaby, BC
- 987 km of new pipeline, new and modified facilities, and reactivation of 193 km of existing pipeline
- Expansion of the Westridge Marine Terminal

Project Name: Trans Mountain Expansion Project
Company Name: Trans Mountain Pipeline ULC
NEB File Number: OF-Fac-Oil-T260-2013-03 02
Hearing Order: N/A

Participant Funding is available for this hearing. For information please see the [Participant Funding Program \(PFP\) Guide](#).

The NEB has people who can help you to understand the Board's process and answer your questions about process. They can also assist you if you have questions about filling in this ATP form.

For process support on this hearing please contact the Process Advisor Reny Chakkalakal by emailing TransMountainPipeline.Hearing@neb-one.gc.ca or calling toll free 1-800-899-1265.

Step 3 – Important Information

The NEB will use only the information provided in this ATP Form to decide whether you are allowed to participate in this hearing. Previously submitted information will not be considered. It is important to provide all the requested information on this ATP Form. It is your responsibility to demonstrate that the NEB should allow you to participate.

You must fully complete all required fields on this ATP Form in order to be considered. If you do not provide sufficient information on this ATP Form, you will not be allowed to participate.

You should refer to the Guidance document called Guidance Document on Section 55.2 and Participation in a Facilities Hearing when filling in your ATP form.

Service: You must send a copy of your final ATP Form on Trans Mountain Pipeline ULC to the following addresses:

D. Scott Stoness
Vice President, Finance & Regulatory Affairs
Kinder Morgan Canada
2700, 300 – 5th Avenue SW
Calgary, Alberta
T2P 5J2

And a cc to:


Shawn Denstedt QC
Osler Hoskin and Harcourt LLP
Suite 2500 TransCanada Tower
450 – 1st Street SW
Calgary, Alberta
T2P 5H1

Step 4 – Privacy Agreement

The Board is authorized to collect, use and disclose personal information in the context of any Board proceeding. Except where confidentiality is granted, all information and documents filed with the Board as an Individual or on behalf of other Individuals will be made public. Additionally, any contact information provided may be used to contact you or serve documents on you.

Under the federal *Personal Information Protection and Electronic Documents Act*, the *Regulations Specifying Publicly Available Information* state that personal information in a record of a quasijudicial body (like the Board) is publicly available without consent, provided that the collection, use and disclosure of that information relates directly to the purpose for which the information appears in the record.

By signing here, you are indicating that you have read and understood the above information.



Signature

Step 5 – Contact Information – Group’s Main Contact

Enter the name of the person who will appear as your Group’s contact on the List of Parties. Any questions or correspondence to the Group will be sent to the person listed below.

U.S. Environmental Protection Agency - Region 10
Name of Company or Group

Christine Reichgott
Name [Mr., Mrs., Ms.; First Name; Last Name]

1200 Sixth Avenue, Suite 900, ETPA-202-3
Address 1 [apt.; street; city]

Seattle, WA 98101-3140 USA
Address 2 [province; postal code, zip code; country]

<u>206-553-1601</u>	<u>206-553-6894</u>	<u>reichgott.christine@epa.gov</u>
Phone	Fax	Email

Step 6 – Contact Information – Authorized Representative for Group

A Group’s Authorized Representative is someone who speaks or files documents on behalf of the Group. You may have more than one Authorized Representative.

Name: R. David Allnutt

Address: U.S. Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 900, ETPA-202-1
Seattle, WA 98101-3140 USA

Phone: 206-553-2581

Fax: 206-553-6894

Email: allnutt.david@epa.gov

Step 7 – Method or Level of Participation

Tell us how your Group wants to participate:

A Commenter:

- may provide views on the proposed project in a Letter of Comment; and
- is not considered a Party (Intervenor or Company) to the hearing, cannot ask information requests or cross-examine other Parties, and cannot provide final argument.

An Intervenor:

- may provide evidence;
- responds to information requests or oral cross-examination on evidence you file; may ask information requests or cross-examine other Parties who filed evidence; and
- may provide argument.

Intervening requires a time commitment to the hearing process.

The NEB will review your ATP Form and decide whether your Group is allowed to participate.

Additional information about the role of commenters and intervenors may be found in the [*Hearing Process Handbook*](#).

Please select **one** of the following:

☒ Commenter

☐ Intervenor

Step 8 – Interest or Expertise

The NEB will only use the information provided in this ATP Form to decide if your Group will be allowed to participate in this hearing. No other information will be considered. When completing the ATP Form, you should consider the Hearing Description in Step 2 above and the List of Issues in Step 9.

You should also refer to the [*Guidance Document on Section 55.2 and Participation in a Facilities Hearing*](#).

You are “**directly affected**” if you have a specific and detailed interest in the proposed Project that may be affected by the Board’s decision. You have “**relevant information or expertise**” if you have knowledge that will assist the Board.

Please select one or both of the following:

- ☒ The Group I am representing is **directly affected** by the proposed Project
- ☒ The Group I am representing has **relevant information or expertise**

Step 9 - Your Group's Connection to the Project Issues

The List of issues that the Board will consider in the Trans Mountain Expansion Project hearing is set out below. These are the issues that the Board has determined are relevant to this hearing.

Note: The Board does not intend to consider the environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline.

Please identify **at least one issue** that relates to:

- i. How the Group as a whole is directly affected and/or
- ii. The information/expertise that the Group believes is relevant or of value to the Board and provide a brief explanation in the space below.

- ☐ 1. The need for the proposed Project.
- ☐ 2. The economic feasibility of the proposed Project.
- ☐ 3. The potential commercial impacts of the proposed Project.
- ☒ 4. The potential environmental and socio-economic effects of the proposed Project, including any cumulative environmental effects that are likely to result from the Project, including those required to be considered by the NEB's Filing Manual.
- ☒ 5. The potential environmental and socio-economic effects of marine shipping activities that would result from the proposed Project, including the potential effects of accidents or malfunctions that may occur.
- ☐ 6. The appropriateness of the general route and land requirements for the proposed Project.
- ☐ 7. The suitability of the design of the proposed Project.
- ☒ 8. The terms and conditions to be included in any approval the Board may issue.
- ☒ 9. Potential impacts of the Project on Aboriginal interests.
- ☐ 10. Potential impacts of the Project on landowners and land use.

- ☒ 11. Contingency planning for spills, accidents or malfunctions, during construction and operation of the Project
- ☐ 12. Safety and security during construction of the proposed Project and operation of the Project, including emergency response planning and third-party damage prevention.

Limit your answer to no more than 500 words. You may attach additional pieces of paper if required.

Issues 4 and 11 - EPA has numerous responsibilities regarding oil spills occurring in and around inland waters of the United States. EPA is the lead federal response agency for oil spills in inland waters, and the U.S. Coast Guard is the lead response agency for spills in coastal waters and deepwater ports. Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan directs EPA to prepare a schedule of dispersants, other chemicals, and oil spill mitigating devices and substances that may be used to remove or control oil discharges. Because the pipeline and ships will be transporting diluted bitumen, spill responders will need to deal with the unique properties of this product. The characteristics of diluted bitumen, such as density, present challenges for spill response planning. EPA has expertise and responsibilities for addressing this issue.

Issues 4 and 5 - An EPA grant is partially funding the Vessel Traffic Risk Assessment for Puget Sound and the Strait of Juan de Fuca. This risk assessment will simulate projected traffic from multiple projects, including the Trans Mountain Pipeline Expansion and the proposed Gateway Pacific Terminal at Cherry Point, WA. These two projects alone would add approximately 865 vessels per year to traffic sailing through the Strait of Juan de Fuca. EPA is serving as a cooperating agency on the environmental impact statement for the Gateway Pacific Terminal that is expected to include an evaluation of cumulative impacts.

Issues 4 and 5 - Nearly tripling the capacity of the current pipeline will have potential air quality impacts on the transboundary airshed, including the U.S. portion. Both ozone and PM2.5 are issues in the Georgia Basin airshed, and increased VOC emissions from transfer and storage of petroleum liquids, and increased diesel particulate and SO2 emissions from marine vessels, will affect existing air quality. The International Airshed Coordinating Committee recently met and members expressed concern with the pipeline expansion and potential impacts. State of the art controls on new storage tanks and marine terminal operations, and use of ultra-low-sulfur fuels in marine vessels are potential considerations for reducing air emissions. EPA has expertise in these areas.

Issues 4 and 9 - The Salish Sea and Alaskan Waters support a number of threatened and endangered fish and mammal species, critical habitat, and subsistence food resources for Indian tribes and Alaska Native Villages. Representatives of Tribal Governments have voiced concerns increased vessel traffic and risk of spills that may negatively affect these resources. EPA works with Indian tribes and Alaska Native Villages on a government-to-government basis to protect the land, air, and water. EPA Region 10's tribal responsibilities are carried out in keeping with its obligations under the U.S. Constitution, treaties, statutes, Executive Orders, court decisions, and the federal government's trust responsibility to Tribes. EPA is uniquely positioned to provide information regarding tribal concerns and impacts to tribal resources.

Issue 8 - EPA's interest in the above issues corresponds to EPA's direct interest in terms and conditions to be included in any Board approval.

Step 10 – Access, Notification and Service

Select which official language you would like to use to participate and receive correspondence:

- ☒ English
☐ French

Signature



Step 11 – Review and Submit

You are about to submit your Application to Participate (ATP) Form to the NEB.

Before submitting your application, you should first review it and check that you have:

- ☒ Checked off one box about your Group's interest (Step 1)
☒ Checked off that you have permission to identify and speak on behalf of others, and provided their names (Step 1)
☒ Signed the Privacy Agreement (step 4)
☒ Provided the contact information for the Authorized Representative for the Group (step 6)
☒ Checked off ONE box indicating your Group's request to be either a commenter or intervenor (step 7)
☒ Checked off your Group's interest or expertise (step 8)
☒ Checked off one or more issues (step 9)
☒ Provided a brief explanation (step 9)
☒ Signed the form (step 10)
☒ Made a copy of your form to send to the company (step 3)

When you're ready to submit your ATP form to the NEB, send only the completed ATP form to the address below. (You do not need to return the inserts.)

Sheri Young
Secretary
National Energy Board
444 Seventh Avenue SW
Calgary, AB T2P 0X8
Fax: 403-292-5503

If you notice a typing error or administrative error after filing, contact a NEB Regulatory Officer at 1-800-899-1265 or by email at TransMountainATP@neb-one.gc.ca.

National Energy
Board



Office national
de l'énergie

File OF-Fac-Oil-T260-2013-03 02
31 December 2013

Mr. D. Scott Stoness
Vice President, Finance & Regulatory Affairs
Kinder Morgan Canada Inc.
Suite 2700, 300 5th Avenue SW
Calgary, AB T2P 5J2
Facsimile 403 514-6622
Email Regulatory@transmountain.com

Mr. Shawn H. T. Denstedt, Q.C.
Osler, Hoskin & Harcourt LLP
Suite 2500, 450 – 1st Street SW
Calgary, AB T2P 5H1
Facsimile 403 260-7024
Email Regulatory@transmountain.com

Dear Mr. Stoness and Mr. Denstedt:

**Trans Mountain Pipeline ULC
Trans Mountain Expansion Project Application
Application to Participate Notification**

The National Energy Board (NEB) is in receipt of Trans Mountain Pipeline ULC's application for approval to construct and operate the Trans Mountain Expansion Project (Project).

The NEB will determine if the application is complete and, if so, the NEB will hold a public hearing.

Those who wish to participate in the NEB hearing must apply to participate. Applicants must clearly describe their interest in relation to the List of Issues for the hearing, which is on the NEB website and included in the application to participate. Those who are directly affected by the proposed project will be allowed to participate in the hearing and those with relevant information or expertise may be allowed to participate.

The Board directs Trans Mountain Pipeline ULC to distribute the enclosed Application to Participate Notification (Appendix B) as follows:

1. Distribute no earlier than 15 January 2014 and no later than 29 January 2014.
2. Distribute to your Line List for the existing Trans Mountain Pipeline.
3. Distribute to your Interested Parties list.

.../2

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

Canada

Telephone/Téléphone : 403-292-4800
Facsimile/Télécopieur : 403-292-5503
<http://www.neb-one.gc.ca>
Telephone/Téléphone : 1-800-899-1265
Facsimile/Télécopieur : 1-877-288-8803

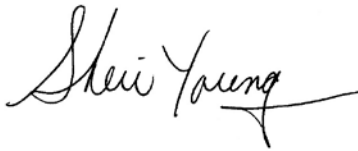
4. Distribute to municipalities and first responders in the vicinity of the proposed route.
5. Distribute to Aboriginal groups on the list provided by the Major Projects Management Office (MPMO).
6. Post on your external project website.
7. Distribute to the persons listed in Appendix A to this letter.
8. Publish the Notification in the following papers (no earlier than 15 January 2014 and no later than 29 January 2014):

Publication	Category	Location	Date of Publication
Sherwood Park News	English	Sherwood Park and Strathcona County, AB	Tuesdays and Fridays
Edmonton Journal	English	Edmonton, AB and area	Daily
Stony Plain Reporter and Spruce Grove Examiner	English	Stony Plain, AB and area	Friday
Hinton Parklander	English	Hinton, AB and area	Monday
Edson Leader	English	Edson, AB	Monday
The Valley Sentinel (Valemount)	English	Valemount, McBride and outlying areas of the Robson Valley, BC	Thursdays
Clearwater Times	English	Clearwater, BC and area	Thursdays
Kamloops Daily News	English	Kamloops, BC and area	Monday-Saturday
Merrit Herald	English	Merrit, BC and area	Thursdays
Hope Standard	English	Hope, BC and area	Wednesday
Chilliwack Progress	English	Chilliwack, BC and area	Tues/Thur
Abby News	English	Abbotsford and Mission, BC	Tuesday
Langley Times	English	Langley, BC and area	Tues/Thurs
Tri-City News	English	Coquitlam, Port Coquitlam, Port Moody, Anmore and Belcarra, BC	Wed/Fri
Burnaby Now	English	Burnaby, BC and area	Wednesday and Friday
Vancouver Sun	English	Vancouver, BC and area	Monday-Saturday (run ad Monday or Tuesday)
Bowen Island Undercurrent	English	Bowen Island, BC	Friday
Nanaimo News Bulletin	English	Nanaimo and central Vancouver Island, BC	Tuesday, Thursday and Saturday
Victoria Times Colonist	English	Victoria, BC and greater area	Daily
Gulf Islands Driftwood	English	Salt Spring Island, BC and area	Wednesday
Duncan/Cowichan News Leader Pictorial	English	Duncan, BC	Friday

.../3

Publication	Category	Location	Date of Publication
Sidney/Peninsula News Review	English	Sidney, BC	Wednesday
Le Franco	Francophone	Alberta	Thursdays
La Source	Francophone	BC	Bi-monthly - every other Tuesday
Windspeaker (Sweetgrass)	Aboriginal	Alberta	Monthly
Windspeaker (Raven)	Aboriginal	BC	Monthly

Yours truly,

A handwritten signature in black ink, appearing to read "Sheri Young", with a stylized flourish at the end.

Sheri Young
Secretary of the Board

Attachments

Appendix A
List of Persons to be Served with Notice (Appendix B)
Application to Participate in
National Energy Board Public Hearing for
Trans Mountain Pipeline ULC Trans Mountain Expansion Project

The Honourable Peter Mackay
Minister of Justice & Attorney General of Canada
Email/courriel: mcu@justice.gc.ca

The Honourable Suzanne Anton
Minister of Justice and Attorney General
Province of British Columbia
Email/courriel: jag.minister@gov.bc.ca

The Honourable Jonathan Denis, Q.C.
Minister of Justice & Attorney General
Province of Alberta
Email/courriel: ministryofjustice@gov.ab.ca

The Honourable Mike Nixon
Minister of Justice
Government of the Yukon
Email/courriel: mike.nixon@gov.yk.ca

The Honourable Leona Aglukkaq
Minister of the Environment
Email/courriel: Minister@ec.gc.ca

(Provincial Government Departments / Ministères provinciaux)

The Honourable Bill Bennett
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Appendix B

The applicant is required to publish the notification in publications as outlined by the NEB. These notifications must meet the requirements of the Government of Canada's Federal Identity Program (FIP).

Published notification must include the following:

- An appropriate project map;
- NEB logo (English) or NEB logo (French); and
- Canada wordmark.

[Download images \[ZIP 526 KB\]](#)

[Sample layout for notification of a hearing \[PDF 74 KB\]](#)

Application to Participate in

National Energy Board Public Hearing for

Trans Mountain Pipeline ULC Trans Mountain Expansion Project

The National Energy Board (NEB) has received an application from Trans Mountain Pipeline ULC for approval to construct and operate the Trans Mountain Expansion Project (Project).

Description of The Project

The Project would expand the existing Trans Mountain pipeline system located between Edmonton, AB and Burnaby, BC. It would include approximately 987 km of new pipeline, new and modified facilities, such as pump stations and tanks, and the reactivation of 193 km of existing pipeline. There would also be an expansion of the Westridge Marine Terminal.

New pipeline segments would be added between Edmonton to Hinton, AB, Hargreaves, BC to Darfield, BC and Black Pines, BC to Burnaby, BC. Reactivation of existing pipeline segments would occur between Hinton, AB to Hargreaves, BC and Darfield to Black Pines, BC.

The application can be found on the NEB website.

Participation in NEB Hearing

The NEB will determine if the application is complete and if so, it will hold a public hearing.

Those who wish to participate in the NEB hearing must apply to participate. Applicants must clearly describe their interest in relation to the List of Issues for the hearing, which is on the NEB website and included in the application to participate. Those who are directly affected by the proposed project will be allowed to participate in the hearing and those with relevant information or expertise may be allowed to participate.

The application to participate is on the NEB's website at:

www.neb-one.gc.ca

select Major Applications and Projects then

Trans Mountain Pipeline ULC - Trans Mountain Expansion

Applications to participate in the NEB Hearing are due on or before noon on 12 February 2014. Individuals and groups applying to participate must provide enough information for the NEB to decide whether participant status should be granted.

Trans Mountain ULC has until **19 February 2014** to provide the NEB with comments on Applications to Participate and must provide a copy of its comments to those applicants to whom the comments apply. Applicants who received comments from Trans Mountain ULC about their Application to Participate have until **4 March 2014** to send the Board your response to Trans Mountain's comments.

Comments and Responses should be sent to the Secretary of the Board: www.neb-one.gc.ca, select **Regulatory Documents** then **Submit Documents**.

CONTACTS

Information on NEB hearing processes and participant funding is available at www.neb-one.gc.ca > Major Applications and Projects > Trans Mountain Pipeline ULC - Trans Mountain Expansion. If you require additional information, the NEB has appointed Ms. Reny Chakkalakal as a Process Advisor to provide assistance.

Ms. Reny Chakkalakal

Process Advisor, NEB

E-mail: TransMountainPipeline.Hearing@neb-one.gc.ca

Telephone (toll free): 1-800-899-1265

Ms. Sarah Kiley

Communications Officer, NEB

E-mail: sarah.kiley@neb-one.gc.ca

Telephone: 403-299-3302

Telephone (toll free): 1-800-899-1265



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

February 12, 2014

Sheri Young
Secretary of the Board
National Energy Board
444 - 7th Avenue SW
Calgary, AB T2P 0X8
Canada

Dear Ms. Young,

The U.S. Environmental Protection Agency respectfully requests an extension of the deadline to submit an application to participate in the Trans Mountain Pipeline Expansion project. Our agency heard about the National Energy Board's process for environmental review of this project only yesterday. The EPA must follow agency protocols and procedures before we can submit an application to participate. That process is likely to take two weeks. Therefore, we request that the application deadline for us be extended until close of business Wednesday, February 26, 2014.

Thank you for considering our request. Please feel free to contact either me (by telephone at 206-553-2581 or by email at allnutt.david@epa.com) or Teena Reichgott of my staff (by telephone at 206-553-1601 or by email at reichgott.christine@epa.gov) if you have questions.

Sincerely,

R. David Allnutt
Director, Office of Ecosystems, Tribal and Public Affairs

National Energy
Board



Office national
de l'énergie

File OF-Fac-Oil-T260-2013-03 02
13 February 2014

Mr. R. David Allnutt
Director
Office of Ecosystems, Tribal and Public Affairs
United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Dear Mr. Allnutt:

**Trans Mountain Pipeline ULC (Trans Mountain)
Application for the Trans Mountain Expansion Project dated 16 December 2013
Letter from the United States Environmental Protection Agency
Request for Deadline Extension regarding Application to Participate
Ruling No. 2**

The National Energy Board (Board) is in receipt of a letter filed by the United States Environmental Protection Agency (EPA) dated 12 February 2014, requesting an extension to the deadline for submission of its application to participate in the hearing.

Before deciding this request, the Board considered the purpose of the request, the reason why the deadline was not met, the impact on the requester of not granting the extension and any prejudice to other applicants or Trans Mountain that granting the request may cause.

In its letter, the EPA says that it was not aware of the deadline to apply to participate until 11 February 2014. The EPA requests a two-week extension until 26 February 2014 in order to follow through with agency protocols and procedures before it submits an application to participate. The letter does not state the impact on the EPA if it is unable to submit a late application to participate, or address possible prejudice to other applicants or Trans Mountain.

The Board has set deadlines to ensure a fair and efficient process and is not persuaded, based on the request, to grant the extension sought by the EPA. For these reasons, the request is denied.

.../2

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

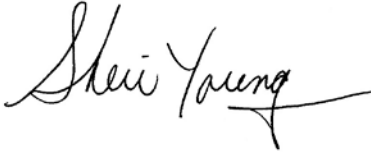
444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

Canada

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Facsimile/Télécopieur : 403-292-5503
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Telephone/Téléphone : 1-800-899-1265
Facsimile/Télécopieur : 1-877-288-8803

Should you have any questions, please contact Mr. Asad Chaudhary, Legal Counsel at 1-403-221-3026 or 1-800-899-1265.

Yours truly,

A handwritten signature in black ink, reading "Sheri Young". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Sheri Young
Secretary of the Board

c.c. Mr. D. Scott Stoness, Trans Mountain Pipeline ULC, Facsimile 403-514-6622
Mr. Shawn H. T. Denstedt, Q.C., Osler, Hoskin & Harcourt LLP, Facsimile 403-260-7024